

REMARKS

Reconsideration and allowance of the subject application are respectfully requested.

Upon entry of this Amendment, claims 1-21 are all the claims pending in the application. By this Amendment, Applicant adds new claim 21. In response to the Office Action, Applicant respectfully submits that the claims define patentable subject matter.

Claims 11-13 and 18-20 remain rejected under 35 U.S.C. § 101 because they allegedly are not a new and useful process, machine, manufacture, or composition of matter. Claims 1-3, 9-11, 13, 18 and 20 remain rejected under 35 U.S.C. § 102(e) as being anticipated by Mizutome. Claims 12 and 19 remain rejected under 35 U.S.C. § 103(a) as being unpatentable under Mizutome. Claims 4-8 and 14-17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In the previous Office Action dated June 14, 2006, the Examiner asserted that claims 11-13 are rejected under 35 U.S.C. § 101 because they are not a new and useful process, machine, manufacture, or composition of matter.

In the Amendment filed on September 14, 2006, Applicant submitted that the Examiner did not appear to have followed the “Interim Guidelines for Examination of Patent Applications for Patent Subject Matter Eligibility” (“Guidelines”), which state that—among other responsibilities—the Examiner should “identify the features of the invention that would render the claimed subject matter statutory if recited in the claim,” and additionally, if the Examiner determines that the claimed invention preempts a 35 U.S.C. § 101 judicial exception (as stated in

the Office Action), the Guidelines then require the Examiner to identify the abstraction, law of nature, or natural phenomenon and explain why the claim covers every substantial practical application of that abstraction, law of nature, or natural phenomenon. Since the Examiner did neither of these things, the Examiner thus failed to establish a prima facie case of unpatentability under 35 U.S.C. § 101.

In response, the Examiner asserts that:

[C]laims 11-13 recite a method of resetting setting information without a limitation to a practical application. A practical application exists if the result of the claimed invention is “useful, concrete and tangible” (with the emphasis on “result”) (Guidelines, Section IV.C.2.b). A “useful” result is one that satisfies the utility requirement of section 101, 1 “concrete” result is one that is “repeatable” or “predictable”, and a “tangible” result is one that is “real”, or “real-world”, as opposed to “abstract” (Guidelines, section IV.C.2.b)). Since claims 11-13 do not recite practical application, claims 11-13 are non-statutory.

Applicant continues to find the Examiner’s assertion unclear and confusing. It is well established that in order to satisfy the requirements of 35 U.S.C. § 101, a claimed invention must produce a “useful, concrete and tangible result.” *State Street*, 149 F.3d at 1373, 47 USPQ2d at 1601-02. In the instant application, a user may set various audio and video parameters for selected broadcast channels, and sequentially store these broadcast channels and the setting data for these broadcast channels in a First In First Out (FIFO) parallel shift register. The invention is clearly “useful” in that it provides a video displayer that allows the user to readily recover channels, external inputs, and video and audio settings which have been set by the user. For example, separate color adjustments may be needed for a channel on which movies are primarily

broadcasted depending on a viewer's preference, and separate audio adjustments may be needed for music channels. The "tangible result" of the invention would therefore be that the user would not have to physically readjust or reset video and audio settings when the user views diverse programs which require separate settings. Additionally, the user may be able to control the signal processing unit by inputting a previously viewed channel, and the settings for that channel may be automatically provided.

The Examiner further asserts that:

[T]he processing steps of claims 11-13 manipulate data or an abstract idea and one may not patent a process that comprises every "substantial practical application" of an abstract idea because such a patent "in practical effect would be a patent on the [abstract idea] itself."¹

Applicant finds this assertion by the Examiner unclear and confusing. As discussed above, the invention clearly has a practical application (allowing a user to preset video and audio parameters for selected channels), and is not simply an "abstract idea" (such as a mathematical algorithm). Accordingly, Applicant respectfully submits that the 35 U.S.C. § 101 rejection is erroneous, and respectfully requests that the Examiner remove this rejection.

In the previous rejection, the Examiner asserted that Mizutome discloses "sequentially store setting data for setting environments of said tuner, said external signal input unit, and said signal processing unit according to an externally applied control signal" as recited in independent

¹ Page 3 of the Office Action dated December 28, 2006.

claim 1 and analogously recited in independent claims 9, 11, and 18, and merely cited RAM 122 and history database storage unit 132 as teaching this feature of the claims.²

In the previous Amendment, Applicant submitted that Mizutome does not teach or suggest “a control unit configured to sequentially store setting data” as claimed, but instead, appears to store setting data in a look-up table format, so that new data frequently overwrites old data.

In response, the Examiner asserts that:

When storing the setting data in a look-up table format, the setting data should be stored sequentially as claimed.³

It appears that the Examiner is attempting to change the rejection by implying that a lookup table stores data in a sequential manner. Nevertheless, Applicant respectfully disagrees with the Examiner’s position. Lookup tables are used to link or map index numbers to output values or elements. The memory device searches for (or looks up) what the output(s) should be for any given combination of input states. The table is a mutable data structure which changes with time, and its properties are therefore dynamic. Accordingly, it is simply not inherent (as the Examiner appears to be asserting) that lookup tables store data in a sequential manner.

² Page 3 of the Office Action dated June 14, 2006.

³ Page 3 of the Office Action dated December 28, 2006.

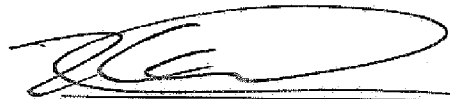
Therefore, there is simply no teaching or suggestion in Mizutome of "a control unit configured to sequentially store setting data" as required by claim 1, and analogously recited in independent claims 9, 11, and 18.

Accordingly, Applicant respectfully submits that claims 1, 9, 11, and 18 should be allowable, because the cited references do not teach or suggest all of the features of the claims. Claims 2-8, 10, 12-17, and 19-20 should also be allowable at least by virtue of their dependency on independent claims 1, 9, 11, and 18.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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23373

CUSTOMER NUMBER

Date: February 28, 2007